

EXHIBIT C

Weil, Gotshal & Manges LLP

BY E-MAIL

2001 M Street, NW Suite 600
Washington, DC 20036
+1 202 682 7000 tel
+1 202 857 0940 fax

February 5, 2025

Mark Perry
+1 (202) 682-7511
Mark.Perry@weil.com

Gary Bornstein
Yonatan Even
Cravath, Swaine & Moore LLP
Two Manhattan West
375 Ninth Avenue
New York, NY 10001

Re: *Epic Games, Inc. v. Apple Inc.*, No. 4:20-cv-5640 (N.D. Cal.)

Counsel:

This is a follow-up to our January 8, 2025 letter regarding Apple's production of "Category Two" documents. In that letter, we stated that all "Category Two" documents will be treated as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the Amended Protective Order in effect for this litigation (Dkt. 274). Epic has not responded to Apple's letter, disputed Apple's characterization of the current posture, or proposed an alternative path forward.

We are currently finalizing the index that we stated we would provide that identifies all "Category Two" documents now that Apple's re-review has concluded. Once the Special Masters complete their review and Magistrate Judge Hixson rules on all pending (and any forthcoming) objections to the Special Master rulings, we will add documents to the index as warranted. This index will help ensure that the record is clear if Epic seeks to introduce documents over which Apple maintains a claim of privilege once the evidentiary hearing resumes.

In light of Apple's express reservations of rights, Apple has not waived its privilege assertions over any documents produced pursuant to the orders of the Court, including all "Category Two" documents. Nevertheless, in an abundance of caution and to avoid any dispute about this issue in the future, in this or any other forum, we request that Epic enter into the attached stipulation under Federal Rule of Evidence 502(d) providing that Epic's or Apple's use of any of the Category Two documents at the hearing, as well as any use of documents that the Court has ordered produced notwithstanding objections to the Special Master rulings, does not constitute a waiver of any applicable privilege or other protection. Please confirm in writing that Epic will comply with this request by February 7, 2025.

Gary Bornstein
Yonatan Even
February 5, 2025
Page 2

Weil, Gotshal & Manges LLP

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Perry". The signature is stylized with a large, sweeping "M" and a long, horizontal stroke extending to the left.

Mark A. Perry